

City Council Introduction: **Monday**, May 21, 2001
Public Hearing: **Monday**, June 4, 2001, at **1:30 p.m.**

Bill No. 01-85

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3319**, from AG Agricultural to AGR Agricultural Residential, requested by Olsson Associates on behalf of Richard and Ann Hudson, on property generally located at South 112th Street and Van Dorn Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Special Permit No. 1386B, Amendment to Windhoek 4th Addition Community Unit Plan (01R-125).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 05/02/01
Administrative Action: 05/02/01

RECOMMENDATION: Approval (8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. This change of zone and the associated amendment to the Windhoek 4th Addition Community Unit Plan were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the proposal is in compliance with the Comprehensive Plan and represents a minor change to the existing community unit plan by adding one lot.
3. This application was placed on the Consent Agenda of the Planning Commission on May 2, 2001, and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 14, 2001

REVIEWED BY: _____

DATE: May 14, 2001

REFERENCE NUMBER: FS\CC\FSCZ3319

LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT
COMBINED STAFF REPORT

P.A.S.#: Windhoek 4th Addition
Special Permit #1386B, Community Unit Plan
Change of Zone #3319 from AG to AGR

Date: April 16, 2001

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Gary Bredehoft, Olsson Associates, on behalf of Richard and Ann Hudson, has applied for a Change of Zone from AG to AGR, and an amendment to the Special Permit to add one lot to the Windhoek Community Unit Plan, generally located at South 112th Street and Van Dorn Street.

Requested waivers:

1. Section 26.27.020 Sidewalks
2. Section 26.27.090 Street trees
3. Section 26.27.070 Street lighting
4. Section 26.27.080 Landscape screens.
5. Section 28.23.105 Storm water detention

GENERAL INFORMATION:

CONTACT: Gary L. Bredehoft
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474 - 6311

DEVELOPER: Richard and Ann Hudson
11403 Van Dorn
Lincoln, NE 68461
(402) 488 - 3366

OWNER: Richard and Ann Hudson
Husband and Wife

LOCATION: East of S. 112th Street and north of Van Dorn.

LEGAL DESCRIPTION:

Outlot 'A', Windhoek 3rd Addition, in Section 31, Township 10 North, Range 8 East of the 6th P. M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

SIZE: 102.65 acres, more or less (Outlot "A") for the Change of Zone and 153.65 acres, more or less in the Community Unit Plan.

EXISTING LAND USE: Farmland and equestrian use, as part of an existing Community Unit Plan.

SURROUNDING LAND USE AND ZONING: Walton to the north. Agriculture to the east and west. Single family acreages to the south. Zoned AG on all sides with a special permit for a community unit plan on this and the land to the south and east.

COMPREHENSIVE PLAN SPECIFICATIONS: IN CONFORMANCE. The 1994 Lincoln/ Lancaster County Comprehensive Plan , figure 16, Lincoln's Land Use Plan, shows this as Residential, Low Density. This was shown for acreages in the 1994 Plan.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture zoning in the 1979 zoning update. Windhoek Community Unit Plan was approved in December of 1990. Administrative Amendments have been approved in 1991, 1992 and 1999. An amendment for streets was approved in March 1995. The final plat for Windhoek was approved in 1991.

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY: The property is farm land and a designated equestrian area for the acreage community unit plan. The area for the proposed new dwelling unit is separated from the balance of the outlot by a creek and wooded area.

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** A private waste water system is proposed.
- B. **Water:** An Individual well is proposed.
- C. **Roads:** South 112th Street ,120th and Van Dorn are gravel county roads. "A" street is a paved county road.
- D. **Parks and Trails:** The MO Pac trail is just north of this area.
- E. **Public Service:** This area is served by the Southeast Rural Fire District and LES.
- F. **Schools:** This is in the Waverly School District.

ENVIRONMENTAL CONCERNS: There are no historic resources identified in this parcel. There is FEMA 100 year flood plain along the creek between the proposed Lot One and the new Outlot.

REGIONAL ISSUES: City growth, the current development of the Comprehensive Plan and development of Stevens Creek.

ALTERNATIVE USES: Remaining an Outlot with no additional dwellings.

ANALYSIS:

1. This is a request for a Change of Zone from AG Agriculture to AGR Agriculture Residential District and an amendment to the Community Unit Plan to add 1 additional single family, acreage size, residential lot. An administrative final plat will be filed to create the one lot proposed.

2. The current Community Unit Plan is at maximum density (8 units) under the AG zoning. A change of zone is required to add any units. The change of zone on this 102.65 acres will raise the potential units available by about 27 units.

3. This is in conformance with the Lincoln and Lancaster County Land Use Plans. The area is shown as Low Density Residential on the Future Land Use Plan (figures 16 and 17) and as Urban Reserve in the Lincoln Service Limit and Phasing Plan (figure 65).

4. LES is requesting easements.

5. The County Engineers' notes no objection.

6. Public Works notes no objections.

7. The applicant is requesting waiver of sidewalks, street trees, street lights, stormwater detention and landscape screens. The requests are reasonable as this reflects the rural nature of the area, has lots over one acre in size and will not be annexed at this time, and complies with all considerations of section 26.27. The same waivers apply to the current CUP.

8. Health Department notes that water should not be a problem in this area. Sewage disposal is proposed as an individual system. Soils, floodplain and high ground water may restrict the ability to use a septic system.

CONCLUSION:

This proposal is in compliance with the comprehensive plan and represents a minor change to the existing Community Unit Plan by adding one lot. Any additional changes will require additional amendments to the plan as approved.

STAFF RECOMMENDATION:

Change of Zone #3319 Approval

CHANGE OF ZONE NO. 3319

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

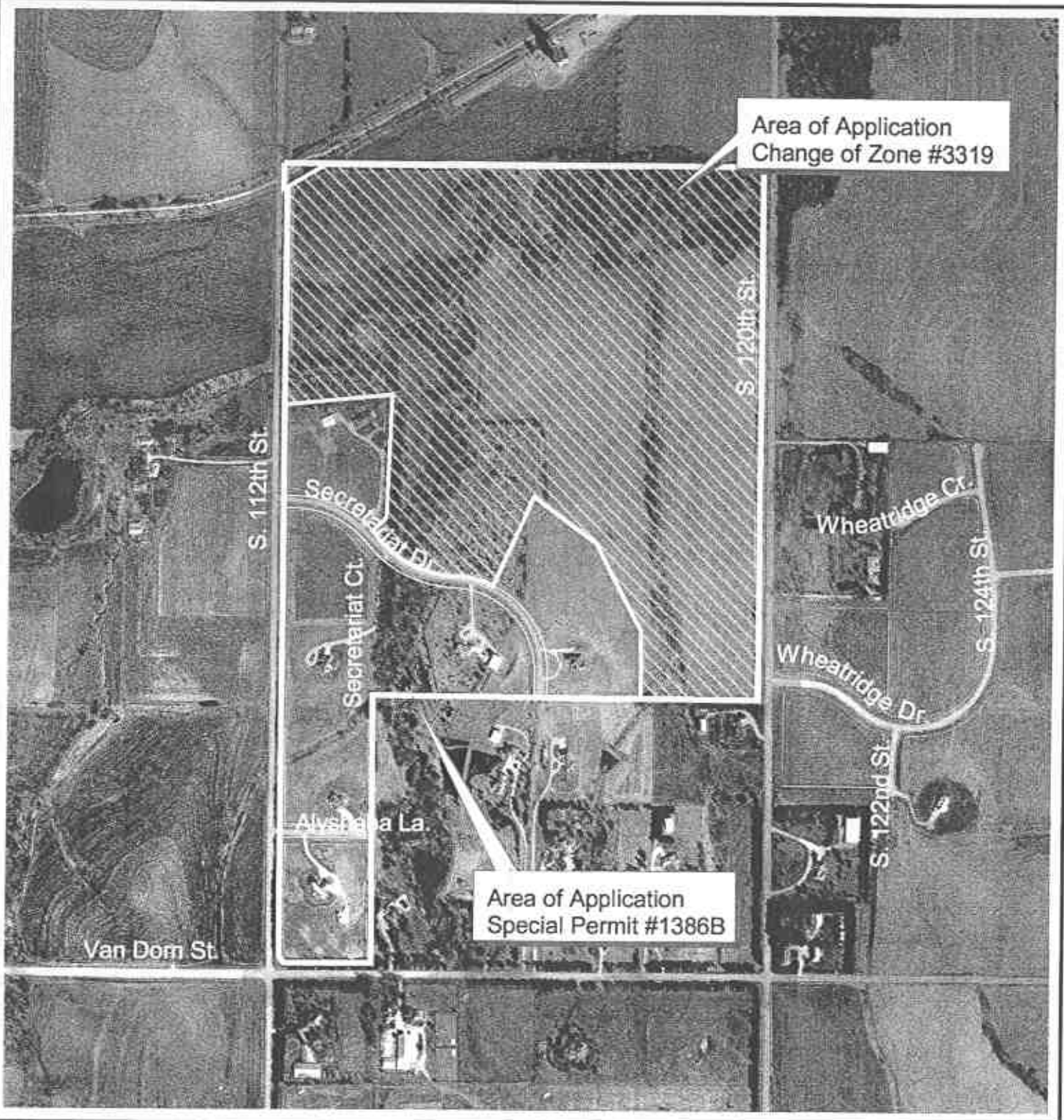
May 2, 2001

Members present: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor; Hunter absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3322, CHANGE OF ZONE NO. 3319, SPECIAL PERMIT NO. 1386B, USE PERMIT NO. 137, SPECIAL PERMIT NO. 1161A, SPECIAL PERMIT NO. 1322F, SPECIAL PERMIT NO. 1887, SPECIAL PERMIT NO. 1906, SPECIAL PERMIT NO. 1912 AND WAIVER OF DESIGN STANDARDS NO. 01002.**

Steward moved to approve the Consent Agenda, seconded by Schwinn and carried 8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent.

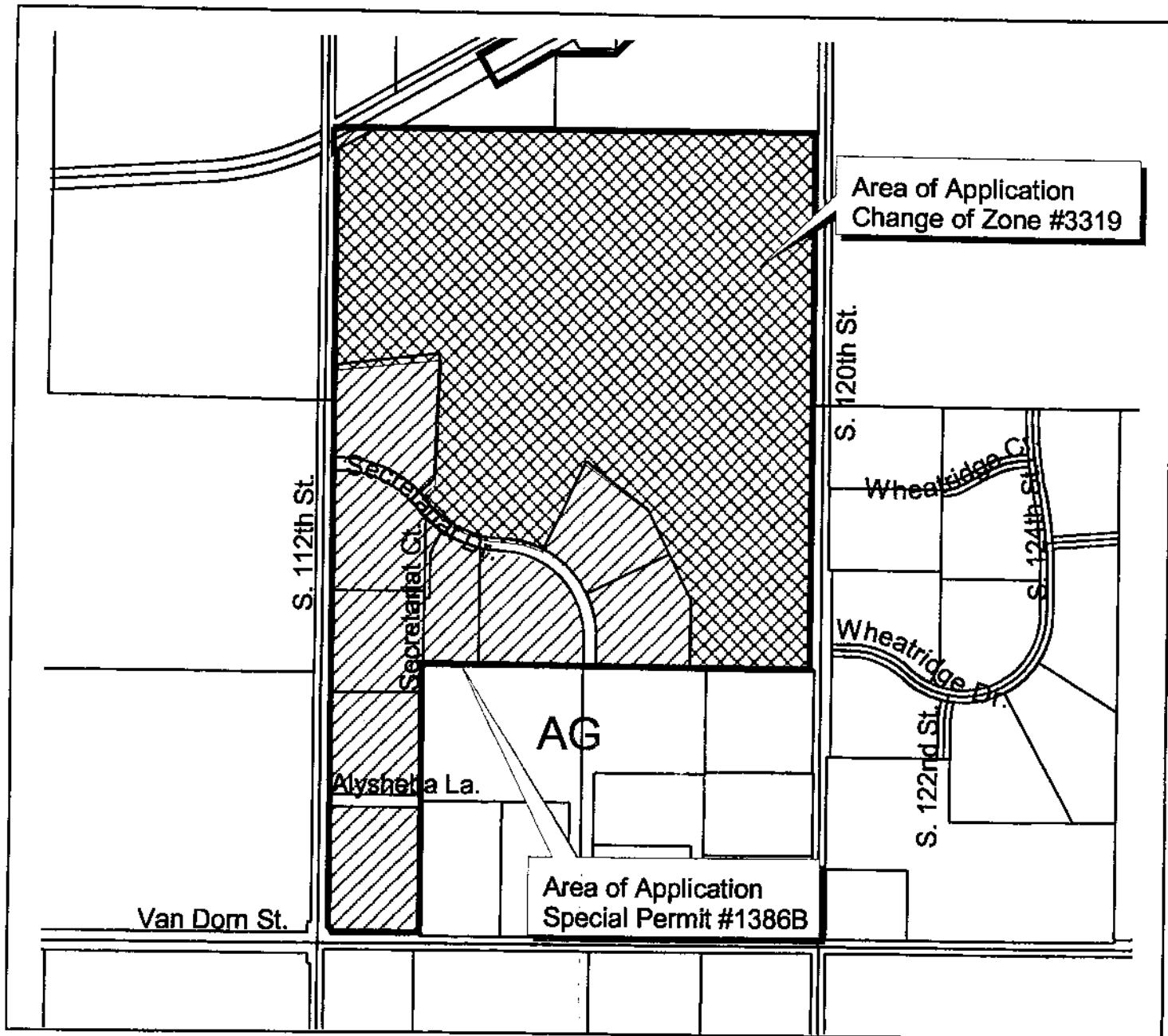
Note: This is final action on Special Permit No. 1161A, Special Permit No. 1322F and Special Permit No. 1906, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Change of Zone #3319
Special Permit #1386B
S. 112th & Van Dorn St.**



Sheet _____
Date: 4-16-01
Photograph Date: 1997 **006**
Lincoln City - Lancaster County Planning Dept.



**Change of Zone #3319
Special Permit #1386B
S. 112th & Van Dorn St.**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

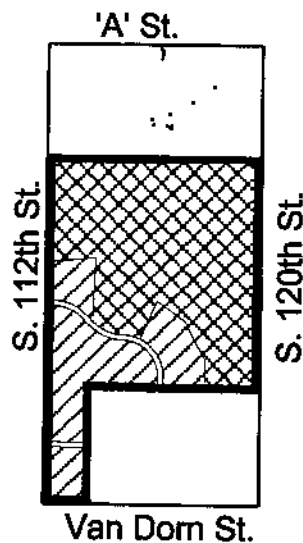
One Square Mile
Sec. 31 T10N R8E



Zoning Jurisdiction Lines



City Limit Jurisdiction

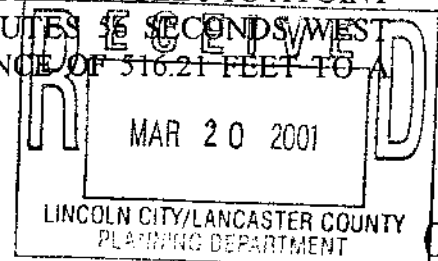


Change of Zone #3319

LEGAL DESCRIPTION

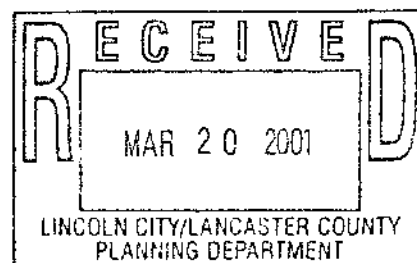
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOT "A" WINDHOEK 3RD ADDITION, LOCATED IN SECTION 31, TOWNSHIP 10 NORTH, RANGE 8 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT "A", SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 16 MINUTES 18 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 1320.13 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 16 MINUTES 40 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 1285.21 FEET TO A SOUTHEAST CORNER OF SAID OUTLOT "A", THENCE SOUTH 89 DEGREES 52 MINUTES 36 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 592.27 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 00 DEGREES 00 MINUTES 29 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 334.85 FEET TO A POINT OF DEFLECTION, THENCE NORTH 26 DEGREES 17 MINUTES 09 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 242.94 FEET TO A POINT OF DEFLECTION, THENCE NORTH 26 DEGREES 17 MINUTES 09 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 242.96 FEET TO A POINT OF DEFLECTION, THENCE NORTH 52 DEGREES 51 MINUTES 57 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 382.23 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 25 DEGREES 51 MINUTES 30 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 479.34 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 474.50 FEET, ARC LENGTH OF 202.04 FEET, DELTA ANGLE OF 24 DEGREES 23 MINUTES 45 SECONDS, A CHORD BEARING OF NORTH 76 DEGREES 20 MINUTES 23 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", AND A CHORD LENGTH OF 200.51 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 520.00 FEET, ARC LENGTH OF 444.71 FEET, DELTA ANGLE OF 48 DEGREES 59 MINUTES 59 SECONDS, A CHORD BEARING OF NORTH 64 DEGREES 00 MINUTES 41 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", AND A CHORD LENGTH OF 431.28 FEET TO A POINT OF TANGENCY, THENCE NORTH 41 DEGREES 35 MINUTES 09 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 38.85 FEET TO A SOUTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 46 DEGREES 15 MINUTES 41 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 96.17 FEET TO A POINT OF DEFLECTION, THENCE NORTH 01 DEGREES 52 MINUTES 30 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 607.64 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 83 DEGREES 17 MINUTES 16 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 516.21 FEET TO A

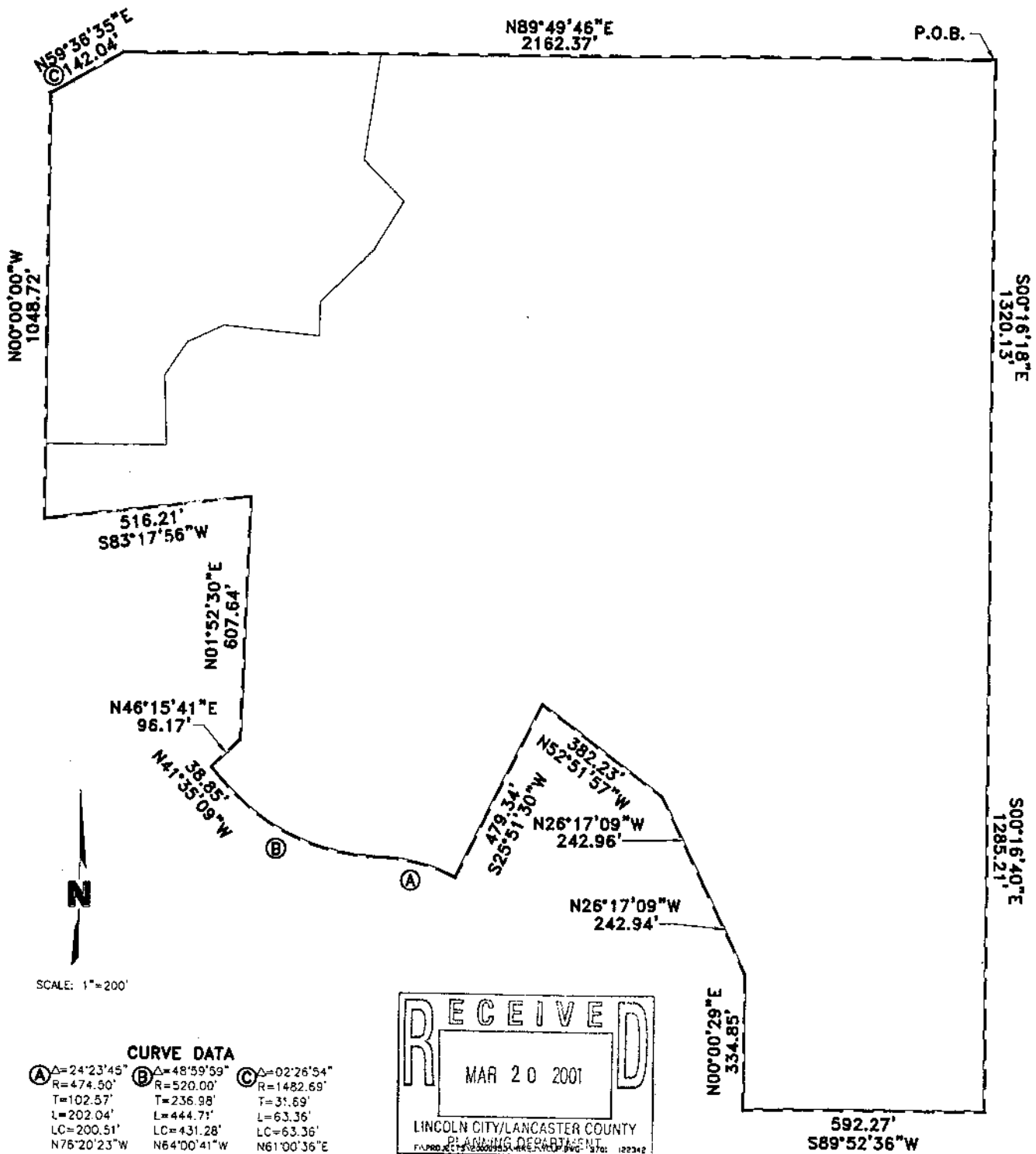


SOUTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 1048.72 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "A", THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 1482.69 FEET, ARC LENGTH OF 63.36 FEET, DELTA ANGLE OF 02 DEGREES 26 MINUTES 54 SECONDS, A CHORD BEARING OF NORTH 61 DEGREES 00 MINUTES 36 SECONDS EAST ALONG A NORTHWEST CORNER OF SAID OUTLOT "A", AND A CHORD LENGTH OF 63.36 FEET TO A POINT, THENCE NORTH 59 DEGREES 36 MINUTES 35 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 142.04 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 89 DEGREES 49 MINUTES 46 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 2162.37 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 102.64 ACRES, OR 4,471,041.52 SQUARE FEET MORE OR LESS.

MARCH 7, 2001 (8:46AM)
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Change of Zone #3319





OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

20 March 2001

Mr. Mike DeKalb
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: Windhoek 4th Addition Amendment to the C.U.P.
OA Project No. 2000-0953.02

Dear Mike:

Enclosed find the following documents for the above mentioned project:

1. 21 Copies of the Site Plan.
2. Change of Zone Application.
3. Change of Zone Legal Description and Exhibit.
4. \$290 Change of Zone Fee.
5. Special Permit Application.
6. \$215 C.U.P. Application Fee.
7. Ownership Certificate.

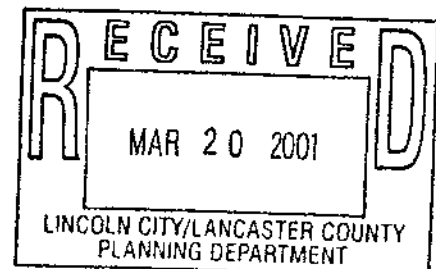
On behalf of the Owner/Developer, Richard H. and Marti Ann Hudson, 11403 Van Dorn, Lincoln, Nebraska 68461, Phone No. (402) 488-3366, we are requesting a Change of Zone from AG to AGR for the area shown on the Site Plan. This area is within the comprehensive plans future low density residential designation. We are requesting an amendment to the C.U.P. for the addition of 1 (one) acreage lot within Block 1.

If you have any questions, or require further information please call.

Sincerely,

Gary L. Bredehoft
Encls.

cc Richard & Ann Hudson



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